

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1694 of 1994

to

FIRST APPEAL No 1708 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SPL LAQ OFFICER & 1

Versus

CHOTABHAI GOTABHAI BIN MULJIBHAI PATEL

Appearance:

Mr.M.R.Anand, Senior Counsel with Mr. L.R.Pujari, AGP for the appellants.

Mr.G.M.Amin, learned counsel for the appellants.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 03/07/96

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties.

2. At the joint of the request of the learned

counsel for the respective parties these appeals are taken up for final hearing today.

3. As a result of the discussion, and as a result of the submission made by the respective counsel it becomes apparent that, the impugned awards under section 18 of the Land Acquisition Act are based mainly upon ex.29, which is the earlier judgment in a group of land reference cases. Ex.29 pertains to an acquisition of lands in the same village as the lands presently under consideration. The date of the notification under section 4 was 6th April, 96, and the land value determined by the ex.29 was Rs. 2280/- per Are, i.e. Rs. 22.80ps. per sq.mt.

4. The State had challenged the decision of the District Court in those Land Reference Cases(Ex.29), by way of First Appeal Nos. 2041/94 to 2067/94, which came to be dismissed by a Division Bench of this court(Coram: C.J. & R.K.Abichandani, J) by judgment and order dated 20th September, 1994.

5. It is therefore obvious that, the Division Bench of this court has given its stamp of approval to the market value of lands in the same village at Rs.22.80ps. per sq.mt.

6. What is required to be kept in mind is that the date of section 4 notification in respect of ex.29 was 6th April,1986, whereas the relevant date in the instant group of appeals is 3rd September, 1987 i.e. 1 year and 5 months later. Obviously, some increment in the market value was justifiably allowed on account of this lapse of time. It is also apparent that the District Court has allowed an increment of 10% in the rise of the market value in respect of a period of 1 year and 5 months. In my opinion, this is just and proper and can not be objected to. If this 10% of Rs.22.80ps. per sq.mt. is allowed, the net result would be the market value of the lands under acquisition at Rs. 25.50ps. per sq.mt. This determination of the market value obviously cannot be objected to, nor can this determination be assailed in any other manner. As a result, these appeals are required to be dismissed. Accordingly these appeals are dismissed with no order as to costs.

7. The original claimants, respondents in appeal, shall be entitled to withdraw the amounts deposited by the appellants in the trial court.
